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| To: Commissioner for Patents for Examiner Li B. Zhen Group Art Unit 2194 | Facsimile No.: 571/273-8300 |
| From: Carrie Parker Legal Assistant to Betty Formby | No. of Pages Including Cover Sheet: 34 |
| Message: Enclosed herewith: <ul style="list-style-type: none"> Transmittal of Replacement Appeal Brief; and Replacement Appeal Brief. | |
| Re: Application No. 10/085,547 Attorney Docket No: YOR920010667US1 Date: Friday, September 15, 2006 | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bantz et al.

§ Group Art Unit: 2194

Serial No.: 10/085,547

§ Examiner: Zhen, Li B.

Filed: February 27, 2002

§ Attorney Docket No.: YOR920010667US1

For: Automatic Provisioning for
Subscription Computing

54105

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

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By:

Carrie Parker

TRANSMITTAL OF REPLACEMENT APPEAL BRIEF

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

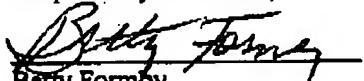
Sir:

ENCLOSED HEREWITH:

- Replacement Appeal Brief (37 C.F.R. 41.37)

No fees are believed to be necessary, as the fee for filing an Appeal Brief was previously paid in this application on November 2, 2005, with the filing of the first Appeal Brief. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to Lenovo Deposit Account No. 50-3533. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Lenovo Deposit Account No. 50-3533.

Respectfully submitted,



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SEP 15 2006

Docket No. YOR920010667US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bantz et al. §
Serial No. 10/085,547 § Group Art Unit: 2194
Filed: February 27, 2002 § Examiner: Zhen, Li B.
For: Automatic Provisioning for §
Subscription Computing §

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

54105

PATENT TRADEMARK OFFICE
CUSTOMER NUMBERREPLACEMENT APPEAL BRIEF (37 C.F.R. 41.37)

Appellants request reinstatement of the Appeal. This brief is filed in response to the Final Office Action mailed June 15, 2006 and in furtherance of the Notice of Appeal, filed in this case on September 14, 2005.

No fees are believed to be necessary, as the fee for filing an Appeal Brief was previously paid in this application on November 2, 2005, with the filing of the first Appeal Brief. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to Lenovo Deposit Account No. 50-3533. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Lenovo Deposit Account No. 50-3533.

(Replacement Appeal Brief Page 1 of 32)
Bantz et al. - 10/085,547

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: **Lenovo (Singapore) Pte. Ltd.**, a corporation of Singapore, having a place of business at **9 Changi Business Park, Central 1, Singapore 486048**.

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RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS**A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1-50

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 3 and 48
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-2, 4-47, and 49-50
4. Claims allowed: None
5. Claims rejected: 1-2, 4-47, and 49-50
6. Claims objected to: None

C. CLAIMS ON APPEAL

The claims on appeal are: 1-2, 4-47, and 49-50

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STATUS OF AMENDMENTS

No amendments have been submitted since the final office action of June 15, 2006.

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SUMMARY OF CLAIMED SUBJECT MATTER**A. CLAIM 1 - INDEPENDENT**

The subject matter of claim 1 is directed to a computer-implemented method for creating customized disk images for loading software onto a computer. The method is shown in Figures 5-7, discussed on page 11, line 12 through page 13, line 17). The method contains the following steps:

- receiving software requirements for a given computer system from a plurality of users (Figure 5, step 200, page 11, lines 14-16, Figure 2A, page 7, line 22 - page 8, line 15);
- determining (a) a plurality of existing software components that will fulfill the software requirements while addressing constraints and affinities between said plurality of software components and (b) a respective plurality of configuration options that reflect current best practices with regard to said plurality of software components (Figure 5, steps 203-204, Figure 6, page 12, lines 6-24);
- generating a disk image containing said plurality of software components configured according to said respective plurality of configuration options (Figure 7, especially step 243, page 12, line 25 - page 13, line 17).

B. CLAIM 11 - DEPENDENT

The subject matter of claim 11 is directed to the additional feature:

- generating a difference image that represents differences between the disk image and another existing disk image, whereby the another existing disk image may be updated to match the disk image by applying the difference image to the another existing disk image (page 15, lines 15-23).

C. CLAIM 16 - INDEPENDENT

The subject matter of claim 16 is directed to a computer-implemented method for creating a customized disk image for loading software onto a computer (Figures 5-7, page 11, line 12 - page 13, line 17). The method contains the following steps:

- parsing a plurality of inputs for a desired computer system to extract specifications regarding software (Figure 5, steps 201 and 202, page 11, lines 17-22);
- evaluating rules that apply to the plurality of inputs to derive a set of existing software components conforming to the specifications (Figure 5, step 203, page 11, lines 23-24, Figure 3, 91, 92, and 93, page 10, lines 5-18);
- evaluating additional rules that apply to the plurality of inputs to derive a set of configuration options conforming to the specifications (Figure 5, step 203, page 11, lines 23-24, Figure 3, 91, 92, and 93, page 10, lines 5-18);
- storing each software component from the set of software components on a storage device;
- configuring each software component stored on the storage device in accordance to the set of configuration options (Figure 5, step 204, page 11, lines 23-24 and Figure 6, step 226, page 12, lines 19-20);
- generating a disk image from contents of the storage device (Figure 7, step 243; page 12, line 25 - page 13, line 13).

D. CLAIM 19 - INDEPENDENT

The subject matter of claim 19 is directed to a computer program product. The computer program performs the method of claim 1 (page 16, lines 13-24).

E. CLAIM 34 - INDEPENDENT

The subject matter of claim 34 is directed to a data processing system that performs the method of claim 1 (Figure 3, page 9, line 23 - page 10, line 23).

FG. CLAIM 41 - DEPENDENT

The subject matter of claim 41 is directed to a further feature in the data processing system of claim 41:

- means for testing the disk image (page 14, line 19 - page 15, line 6).

G. CLAIM 44 - DEPENDENT

The subject matter of claim 44 is directed to a further feature in the data processing system of claim 34:

- means for generating a difference image that represents differences between the disk image and another existing disk image, whereby the another existing disk image may be updated to match the disk image by applying the difference image to the another existing disk image (page 15, lines 15-23).